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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,089	11/02/2000	Tomoshi Hirayama	SONY-U0596	4407
22850	7590	11/02/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DUONG, OANH L	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,089

Applicant(s)

HIRAYAMA, TOMOSHI

Examiner

Oanh Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-14,16,18-20,22,24-29,31 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-14,16,18-20,22,24-29,31 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/02/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 2, 7, 15, 17, 21, 23, 30, and 32-35 have been canceled.

Claims 1, 3-6, 8-14, 16, 18-20, 22, 24-29, 31, 36-40 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/30/2005 has been entered.

Specification Objection

3. The disclosure is objected to because of the following informalities: some typographical error has been found (i.e., "o" in page 21 line 18 should be "of").

Appropriate correction is required.

Drawings Objection

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "page 311" as described in the specification in page 14 line 10. Any structural detail

that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the initial request not identifying the user apparatus", "transferring the initial request not identifying the user apparatus from the information providing apparatus to an information relaying apparatus", and "generating customer number based on the initial transferred request"

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 13, 22 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The feature "the initial request not identifying the user apparatus" is not supported by the specification of the invention. See MPEP 2173.05(i)

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). See MPEP § 2163 - § 2163.07(b) for a discussion of the written description requirement of 35 U.S.C. 112, first paragraph.

The features "generate a customer based on the transferred initial request" is not clearly supported by the specification of the applicant's invention.

For the purpose of examination, examiner interprets "generate a customer number based on the initial request" as generate a customer number from the user information as defined in the specification of instant application at page 20 lines 5-6).

Examiner respectfully requests applicants to specifically point out where in the specification supporting the features "generate a customer number based on the transferred initial request" and "the initial request not identifying the user apparatus".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how a customer number is generated based on an initial request since the transferred initial request does not explicitly or implicitly identify the user apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-6, 8-14, 16, 18-20, 22, 24-25, 31, 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber et al. (Gabber) (US 5,961,593) in view of Miloslavsky et al. (Miloslavsky) (US 2003/0021259 A1), and further in view of Ditmer et al. (Ditmer) (US 6,473,407 B1).

Regarding claims 1, 13, 22 and 40, Garber teaches a method of communication between an information providing apparatus (i.e., server site 110g) and a user apparatus (i.e., user site 105) (Fig. 2), comprising the steps of:

sending information related to the request and a user identifier identifying the user apparatus from the user apparatus to the information relaying apparatus (user

issues command and supplies a user ID to proxy system, col. 7 line 62-col. 8 line 2 and col. 8 lines 18-34);

generating customer number based on the user identifier at the information relaying apparatus (i.e., substitute identifiers are suitably constructed from data specific to user, col. 8 lines 25-30);

sending the information related to the request and the customer number to the information providing apparatus from the information relaying apparatus (user command and substitute identifier may be suitably provided/sent by proxy system to server, col. 5 lines 60-63 and col. 7 lines 62-67)

Garber does not explicitly teach initially generating a request for information at an information providing apparatus from the user apparatus, the initial request not identifying the user apparatus; transferring the initial request not identifying the user apparatus from the information providing apparatus to an information relaying apparatus; the information providing apparatus requesting the information relaying apparatus to establish a communication path between the information providing apparatus and the user apparatus after the information providing apparatus receives the information and customer number sent by the information relaying apparatus; and establishing the requested communication path between the information providing apparatus and the user apparatus.

Miloslavsky teaches initially generating a request for information at an information providing apparatus from the user apparatus, the initial request not identifying the user apparatus (i.e., the user requests a telephone call by clicking on

button "call me" which display a dialog for user to enter the telephone number, page 9 paragraph 99); the information providing apparatus requesting the information relaying apparatus to establish a communication path between the information providing apparatus and the user apparatus after the information providing apparatus receives the information and customer number sent by the information relaying apparatus (i.e., SRP/server requests service assistance center/information relaying apparatus to establish a connection/call between agent/server and user apparatus, page 9 paragraph 99 lines 14-15); and establishing the requested communication path between the information providing apparatus and the user apparatus (i.e., routing a established call or route a call via a established path to the select agent/server from the client, page 2 paragraph 1 lines 16-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Garber to initially generating a request for information at an information providing apparatus from the user apparatus, the initial request not identifying the user apparatus; requesting the information relaying apparatus by the information providing apparatus to establish a communication path between the information providing apparatus and the user apparatus after the information providing apparatus receives the information and customer number sent by the information relaying apparatus; and to establish the requested communication path between the information providing apparatus and the user apparatus as in Miloslavsky. One would be motivated to do so to improve the service of the system (Miloslavsky, page 1 paragraph 6).

Ditmer teaches transferring the initial request from the information providing apparatus to an information relaying apparatus (dispatcher/server receives and forwards user requests to the proxy, col. 14 lines 31-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Garber to transfer the initial request from the information providing apparatus to an information relaying apparatus as in Ditmer. One would be motivated to do so to increase the security of overall system (Ditmer, col. 8 lines 63-67)

Regarding claim 16, Gabber teaches one or both of an IP address and telephone number of the user apparatus (col. 6 lines 38-51).

Regarding claim 19, Garber-Miloslavsky-Ditmer teaches said information providing apparatus request, by telephone, communicate by voice as said requested communication path (Miloslavsky, the server/agent establishes a call with the client, page 2 paragraph 14); said information relaying apparatus secures a voice communication path between said information providing apparatus and said user apparatus as said requested communication path (Miloslavsky, service assistance center /relaying apparatus could call telephone based on user information, page 9 paragraph 99).

Regarding claim 20, Garber-Miloslavsky-Ditmer teaches information providing apparatus requests, by phone, communication by voice to said relaying apparatus; and

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said information replaying apparatus requests a real time voice communication path between said information providing apparatus and said user apparatus (Miloslavsky, page 9 paragraph 99).

Regarding claim 24, Gabber teaches the customer number is randomly generated (col. 16 lines 38-41).

Regarding claims 25, Gabber teaches the customer number is generated based on a predetermined rule (col. 10 line 66-col. 11 line 6), and the means for identifying uses the predetermined rule to identify the user apparatus (col. 7 lines 34-39).

Regarding claim 31, Garber teaches the communication path includes a network, a telephone line, a network telephone function through a network, or any combination thereof (internet 115, Fig. 2).

Regarding claims 37-39, Garber-Miloslavsky-Ditmer teaches the voice communication path includes a telephone line (Miloslavsky, page 8 paragraph 92).

Regarding claims 3 and 14, Garber-Miloslavsky-Ditmer does not specifically teach a predetermined object for operation (Miloslavsky, "call me" button, page 9 paragraph 107).

Regarding claims 4-5, Gabber teaches said predetermined object performs processing for inputting information relating to said request for information in said user apparatus in a state not able to be viewed by said information providing apparatus and for transmitting said input information to said information relaying apparatus in a state that can not be viewed by said information providing apparatus (Gabber, col. 8 lines 18-43).

Regarding claim 6, Gabber teaches information is encrypted by said information relaying apparatus and substantially provided in said information providing apparatus (col. 8 lines 12-43).

Regarding claims 8 and 18, Garber-Miloslavsky-Ditmer teaches said information apparatus searches for a person suitable for responding to said information related to said request based on said information related to said request and notifies the information related to said request to said person (Miloslavsky, page 9 paragraph 99).

Regarding claims 9 and 10, Garber-Miloslavsky-Ditmer teaches the information providing apparatus requests said information relaying apparatus to establish a voice communication path as said communication path, and information relaying apparatus secures the voice communication path as said communication path (Miloslavsky, page 9 paragraph 100).

Regarding claim 11, Gabber teaches said information relaying apparatus stores the request and after a predetermined identifier identities related requests stored in information relaying apparatus, the related requests being related to the request, performs predetermined statistical processing on the request and the related requests so as to provide statistical result, and analyzes the statistical result so as to provide an analysis result.

Regarding claim 12, Garber-Miloslavsky-Ditmer teaches said information providing apparatus determines one or both of a configuration of said information providing apparatus and the deployment of persons for handling said request based on the analysis result (Miloslavsky, page 8 paragraph 95).

Regarding claims 36, Garber-Miloslavsky-Ditmer teaches the voice communication path includes a telephone line (Miloslavsky, PSTN 1160, Fig. 5).

8. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber et al. (Gabber) (US 5,961,593) in view of Miloslavsky et al. (Miloslavsky) (US 2003/0021259 A1), in view of Ditmer et al. (Ditmer) (US 6,473,407 B1), and further in view of Kubota et al. (Kubota) (US 6,480,881 B1)

Regarding claim 26, Gabber teaches a storage means for storing information user identifier and customer number (col. 7 lines 34-39).

Gabber does not specifically teach storing the request.

Kubota, in the same field of endeavor, teaches storing the request (Fig. 5 col. 11 lines 1-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the stored request of Kubota in the process of providing information in Garber-Miloslavsky-Ditmer. One would be motivated to do so to allow required information to be obtained efficiently and quickly from various types of information sources (Kubota, col. 2 lines 20-22).

Regarding claim 27, Gabber teaches detects the identification information and identifies the user apparatus based on said identification information and said customer number received from said information providing apparatus (col. 7 lines 34-39).

Regarding claim 28, Gabber does not specifically teach analysis means.

Kubota teaches means for storing a plurality of requests and analyzing the plurality of requests (col. 10 line 50-col. 11 line 67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the analysis means of Kubota in the process of providing information in Garber-Miloslavsky-Ditmer. One would be motivated to do so to allow required information to be obtained efficiently and quickly from various types of information sources (Kubota, col. 2 lines 20-22).

Regarding claim 29, Garber-Miloslavsky-Ditmer Kubota teaches said storage means stores information relating to the time of occurrence of a request for information linked with said requests for information and said analysis means analyzes said requests for information using the time as an indicator (Kubota, col. 11 lines 10-67).

Response to Arguments

9. Applicant's arguments with respect to claims 1, 13, 22, and 40 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 2:00PM - 10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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SUPERVISORY PATENT EXAMINER